

### **REMARKS**

With this response, claims 1, 14, 16 and 17 are amended. These amendments do not constitute a waiver of Applicant's right to file a continuing application on the invention claimed in original claims 1, 14, 16 and 17. No claims are added or canceled. Claims 1-22 remain pending. Further examination and reconsideration of the present application are respectfully requested.

### **Priority**

The Examiner has stated in the Advisory Action that the amendments to claims 8, 14, 16 and 18 would result in claims 8-11 and 14-22 having an effective date of 03/05/1998 which would be sufficient to overcome the rejections of these claims under the provisions of 35 USC 102(b) and 103(a).

Applicants have also amended claim 1 to be dependant from claim 8. It is respectfully submitted that these amendments entitle claims 1-7 and 12-13 to an effective date of 03/05/1998. Applicants also submit the Terminal Disclaimer signed by Mr. David B. Kagan, an attorney of in this matter. Applicants submit that, in view of these actions, all rejections of the claims have been overcome.

### **The Amendments**

Claim 1 has been amended to depend from claim 8 and to recite that the oxetane of the polyether segment comprises a defined group of oxetane monomers. Claims 8, 14, 16 and 17 have been amended to make them independent. Support for these amendments is present in the specification at page 7, lines 17 through 25 as amended in Applicants' previous response mailed June 27, 2006. It is respectfully submitted that these amendments are supported by the

specification of the priority document as originally filed and that all pending claims are therefore entitled to a priority date of 03/05/1998.

**Double Patenting**

Claims 1-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-88 of U.S. Patent No. 6,660,828.

With respect to U.S. Pat. No. 6,660,828, enclosed is a Terminal Disclaimer encompassing these documents. It is respectfully submitted that the filing of this Terminal Disclaimer overcomes the double patenting rejections of record as to this patent.

**Claim rejections under 35 USC 102**

It is respectfully submitted that this rejection of claims 1-7, and 12-22 under 35 U.S.C. 102(b) as being anticipated by:

- (a) Weinert et al. (US 6,383,651); or
- (b) Callicott et al. (6,523,418); or
- (c) (c) WO 99/450079 (WO '079)

has been rendered moot. Withdrawal of the rejection is respectfully requested.

**Claim rejections under 35 USC 103**

It is respectfully submitted that this rejection of claims 1-7, and 12-22 under 35 U.S.C. 103(a) as being unpatentable over:

- (a) Weinert et al. (US 6,383,651); or

- (b) Callicott et al. (6,523,418); or
- (d) WO 99/450079 (WO '079)

has been rendered moot. Withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

In view of the above remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance. Entry of the Amendment and allowance of the claims is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact said attorney at (651) 275-9844.

Respectfully Submitted,

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